

# EX PARTE OR LATE FILED

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ORIGINAL

March 8, 2004

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MAR - 8 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

By Hand

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: **Ex Parte Notice – MB Docket No. 03-15**

Dear Ms. Dortch:

On March 5, 2004, Amy L. Levine, counsel for Vermont ETV, Inc., Peter Martin, Executive Vice President of Mt. Mansfield Television, Inc. ("Mt. Mansfield"), and William R. Richardson, Jr., counsel for Mt. Mansfield met with W. Kenneth Ferree, Deborah E. Klein, Rick C. Chessen, Barbara Kreisman, Eloise Gore and Kim Matthews to discuss problems that these Vermont broadcasters have been experiencing in resolving Canadian coordination issues necessary to permit them to transition to digital television. In the course of these meetings, the Vermont broadcasters discussed the importance of taking into account the unique problems faced by television stations in Vermont with respect to Canadian coordination as the Commission moves forward on DTV channel election and repacking issues, as outlined in the enclosed handout.

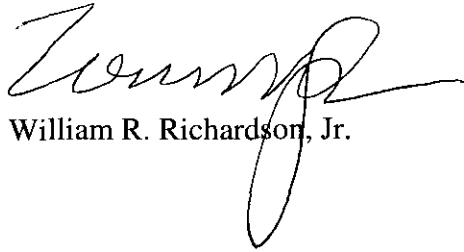
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Pursuant to the Commission's Rules, an original and one copy of this letter are being submitted to the Secretary's office, with a copy to those at the FCC who participated in the meetings.

Please direct any questions regarding this notice to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Richardson, Jr.', with a large, stylized loop at the end.

William R. Richardson, Jr.

Enclosures

cc: W. Kenneth Ferree  
Deborah E. Klein  
Rick C. Chessen  
Barbara Kreisman  
Eloise Gore  
Kim Matthews

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March 5, 2004

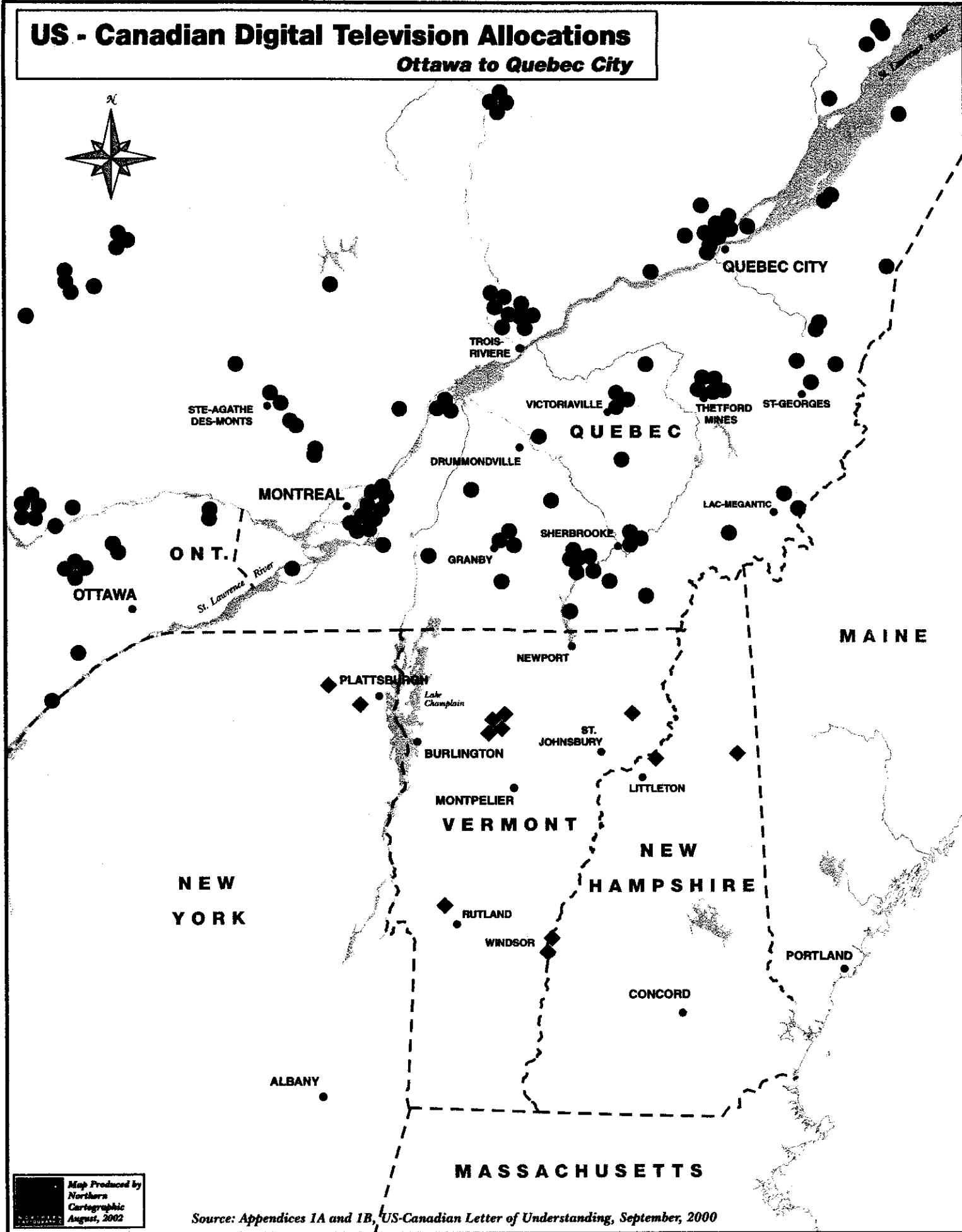
### Vermont DTV Issues

- Under the LOU, Canadian coordination is proving very difficult and time-consuming.
- Vermont ETV has one out-of-core allotment (WVER-DT, Rutland), and two maximization applications (WVTB-DT, St. Johnsbury and WETK-DT, Burlington), all three of which require Canadian approval under the LOU.
- Mt. Mansfield has a DTV permit (WCAX-DT), but on out-of-core channel 53. The LOU will not permit return to its analog channel 3 (it provides for a channel 4 DTV allotment at St. Jean, Quebec), which is unsuitable for technical reasons in any event. The best prospects for Canadian approval cannot be determined until Canadian coordination is complete for WVTB's maximized facilities.
- The LOU hamstring U.S. licensees by including numerous phantom Canadian analog and DTV allotments that are not associated with any operating Canadian stations. Canadian policy and technical standards for coordination are also neither transparent nor consistent, making this process even more difficult.
- Vermont ETV and Mt. Mansfield have been diligently pursuing the need for Canadian coordination for many years, beginning as long ago as 1995 -- in DTV rulemaking comments, comments on the draft LOU, and Canadian negotiations.
- Given these difficulties, any "freeze" on applications or channel changes should preserve the Vermont DTV stations' ability to pursue changes (e.g., in site, power, directionalization, or channel) necessary to resolve their mutual need for Canadian coordination.
- Further delay in bringing DTV to Vermont viewers is inconsistent with the Commission's DTV implementation policies. It took Mt. Mansfield six years, and the intervention of Senator Aiken, to obtain Canadian approval for full power analog operation.
- Both out-of-core licensees need to minimize the considerable expense of DTV deployment by optimizing their transmission equipment for their ultimate DTV channel.

- Vermont ETV needs maximized facilities to provide statewide coverage. Its funding sources are also jeopardized by inability to obtain the necessary DTV authorizations to do so.
- Since 35-40% of Vermont viewers rely on DBS for their local stations, further delays in DTV implementation would be of particular concern in light of recent SHVA extension proposals for "DTV white areas."
- Mt. Mansfield also urges the Commission to implement its periodic DTV review so as to facilitate the Canadian coordination process.
  - Free up additional U.S. channels for possible use as soon as possible by requiring expedited channel election deadline in Canadian border areas for those stations with no pending Canadian coordination approval issues.
  - Provide out-of-core DTV stations that cannot revert to their analog channels, either for Canadian coordination reasons or because of low VHF DTV problems, with priority in selecting alternative channels.

# US - Canadian Digital Television Allocations

## Ottawa to Quebec City



Map Produced by  
Northern  
Cartographic  
August, 2002

Source: Appendices 1A and 1B, US-Canadian Letter of Understanding, September, 2000